

Karas, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NACHUM ZAGER,

No. 09 Civ. 7019 (KMK)

Plaintiff,

v.

CAPITAL ONE BANK USA, N.A. and
RICHARD D. FAIRBANKS

Defendants.

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FILED IURONICALLY FILED
DOC #: _____
DATE FILED: _____

PROPOSED ORDER

WHEREAS on April 15, 2010 a conference (hereinafter referred to as "April 15th Conference") was held before the Honorable Kenneth M. Karas at the United States District Court for the Southern District of New York at 3:30pm at which time Plaintiff's counsel, Mr. Joshua N. Bleichman ("Plaintiff's counsel" or "Mr. Bleichman"), failed to appear; and

WHEREAS on April 16, 2010, Plaintiff's counsel, Mr. Bleichman was ordered to show cause by April 20, 2010 why the above entitled action should not be dismissed for failure to prosecute, and why Mr. Bleichman should not be required to pay the legal fees that Defendants incurred in having their counsel attend the April 15th Conference; and

WHEREAS Plaintiff's counsel failed to show cause by April 20, 2010; and

WHEREAS on April 29, 2010, the above entitled action was dismissed without prejudice for failure to prosecute; and

WHEREAS on April 29, 2010, it was further ordered that Mr. Bleichman be sanctioned in the amount defendants Capital One Bank USA, N.A. and Richard D. Fairbanks ("Defendants") paid their counsel to appear at the April 15th Conference; and

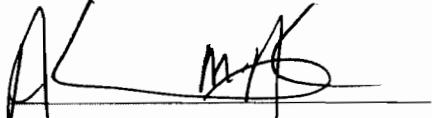
WHEREAS, an appropriate showing having been made with supporting back-up documentation as to the amount Defendants paid their counsel to appear at the April 15th Conference; it is hereby

ORDERED that the above entitled action is DISMISSED without prejudice for failure to prosecute, and it is further

ORDERED that Mr. Bleichman be sanctioned in the amount of \$1,406.00, the amount Defendants paid their counsel to appear at the April 15th Conference, and it is further

ORDERED that Plaintiff's counsel tender payment of that amount to Defendants c/o Reed Smith LLP, 599 Lexington Avenue, 22nd Floor, New York, NY 10022, Attn: Casey D. Laffey, Esq. within ten (10) days of this order.

SO ORDERED:



Kenneth M. Karas
United States District Judge

DATED: 5/7/10